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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,
13
14 v.
15 DARMANJOT SINGH,
16 Defendant.

CASE NO. 1:24-cr-00098-JLT-SKO
PLEA AGREEMENT

17 I. INTRODUCTION

18 A. Scope of Agreement

19 The Information in this case charges the defendant with a violation of 21 U.S.C. § 841(a)(1) and
20 841(b)(1)(A) – Possession with Intent to Distribute Methamphetamine. This document contains the
21 complete plea agreement between the United States Attorney’s Office for the Eastern District of
22 California (the “government”) and the defendant regarding this case. This plea agreement is limited to
23 the United States Attorney’s Office for the Eastern District of California and cannot bind any other
24 federal, state, or local prosecuting, administrative, or regulatory authorities.

25 B. Court Not a Party

26 The Court is not a party to this plea agreement. Sentencing is a matter solely within the
27 discretion of the Court, and the Court may take into consideration any and all facts and circumstances
28 concerning the criminal activities of defendant, including activities that may not have been charged in

1 the Information. The Court is under no obligation to accept any recommendations made by the
2 government, and the Court may in its discretion impose any sentence it deems appropriate up to and
3 including the statutory maximum stated in this plea agreement.

4 If the Court should impose any sentence up to the maximum established by the statute, the
5 defendant cannot, for that reason alone, withdraw his guilty plea, and he will remain bound to fulfill all
6 of the obligations under this plea agreement. The defendant understands that neither the prosecutor,
7 defense counsel, nor the Court can make a binding prediction or promise regarding the sentence he will
8 receive.

9 **II. DEFENDANT'S OBLIGATIONS**

10 **A. Guilty Plea**

11 The defendant will plead guilty to Count One of the Information. The defendant agrees that he is
12 in fact guilty of these charges and that the facts set forth in the Factual Basis For Plea attached hereto as
13 Exhibit A are accurate.

14 The defendant agrees that this plea agreement will be filed with the Court and become a part of
15 the record of the case. The defendant understands and agrees that he will not be allowed to withdraw his
16 plea should the Court not follow the government's sentencing recommendations.

17 The defendant agrees that the statements made by him in signing this Agreement, including the
18 factual admissions set forth in the factual basis, shall be admissible and useable against the defendant by
19 the United States in any subsequent criminal or civil proceedings, even if the defendant fails to enter a
20 guilty plea pursuant to this Agreement. The defendant waives any rights under Rule 11(f) of the Federal
21 Rules of Criminal Procedure and Rule 410 of the Federal Rules of Evidence, to the extent that these
22 rules are inconsistent with this paragraph or with this Agreement generally.

23 The defendant acknowledges that the crime to which he is pleading guilty is listed in 18 U.S.C.
24 § 3143(a)(2), and agrees that he is a flight risk and a danger to the community, and that he will be
25 remanded into custody upon the entry of his plea.

26 **B. Sentencing Recommendation**

27 The defendant and his counsel may recommend whatever sentence they deem appropriate.
28

1 **C. Special Assessment**

2 The defendant agrees to pay a special assessment of \$100 at the time of sentencing by delivering
3 a check or money order payable to the United States District Court to the United States Probation Office
4 immediately before the sentencing hearing. If the defendant is unable to pay the special assessment at
5 the time of sentencing, he agrees to earn the money to pay the assessment, if necessary by participating
6 in the Inmate Financial Responsibility Program.

7 **D. Passport**

8 The defendant agrees to turn over his passport to the United States prior to the date of
9 sentencing.

10 **E. Defendant's Violation of Plea Agreement or Withdrawal of Plea**

11 If the defendant, violates this plea agreement in any way, withdraws his plea, or tries to withdraw
12 his plea, this plea agreement is voidable at the option of the government. The government will no longer
13 be bound by its representations to the defendant concerning the limits on criminal prosecution and
14 sentencing as set forth herein. One way a defendant violates the plea agreement is to commit any crime
15 or provide any statement or testimony which proves to be knowingly false, misleading, or materially
16 incomplete. Any post-plea conduct by a defendant constituting obstruction of justice will also be a
17 violation of the agreement. The determination whether the defendant has violated the plea agreement
18 shall be decided under a probable cause standard.

19 If the defendant violates the plea agreement, withdraws his plea, or tries to withdraw his plea, the
20 government shall have the right: (1) to prosecute the defendant on any of the counts to which he pleaded
21 guilty; (2) to reinstate any counts that may be dismissed pursuant to this plea agreement; and (3) to file
22 any new charges that would otherwise be barred by this plea agreement. The defendant shall thereafter
23 be subject to prosecution for any federal criminal violation of which the government has knowledge,
24 including perjury, false statements, and obstruction of justice. The decision to pursue any or all of these
25 options is solely in the discretion of the United States Attorney's Office.

26 By signing this plea agreement, the defendant agrees to waive any objections, motions, and
27 defenses that the defendant might have to the government's decision to exercise the options stated in the
28 previous paragraph. Any prosecutions that are not time-barred by the applicable statute of limitations as

1 of the date of this plea agreement may be commenced in accordance with this paragraph,
2 notwithstanding the expiration of the statute of limitations between the signing of this plea agreement
3 and the commencement of any such prosecutions. The defendant agrees not to raise any objections
4 based on the passage of time with respect to such counts including, but not limited to, any statutes of
5 limitation or any objections based on the Speedy Trial Act or the Speedy Trial Clause of the Sixth
6 Amendment to any counts that were not time-barred as of the date of this plea agreement.

7 In addition: (1) all statements made by the defendant to the government or other designated law
8 enforcement agents, or any testimony given by the defendant before a grand jury or other tribunal,
9 whether before or after this plea agreement, shall be admissible in evidence in any criminal, civil, or
10 administrative proceedings hereafter brought against the defendant; and (2) the defendant shall assert no
11 claim under the United States Constitution, any statute, Rule 11(f) of the Federal Rules of Criminal
12 Procedure, Rule 410 of the Federal Rules of Evidence, or any other federal rule, that statements made by
13 the defendant before or after this plea agreement, or any leads derived therefrom, should be suppressed.
14 By signing this plea agreement, the defendant waives any and all rights in the foregoing respects.

15 **III. THE GOVERNMENT'S OBLIGATIONS**

16 **A. Dismissals**

17 The government agrees to move, at the time of sentencing, to dismiss without prejudice the
18 remaining counts in the pending Superseding indictment. The government also agrees not to reinstate
19 any dismissed count except if this agreement is voided as set forth herein, or as provided in II.E
20 (Defendant's Violation of Plea Agreement) and VII.B (Waiver of Appeal) herein.

21 **B. Recommendations**

22 **1. Incarceration Range**

23 The government will recommend that the defendant be sentenced to the low end of the
24 applicable guideline range for his offense, including the application of the mandatory statutory minimum
25 term, as determined by the Court. The government may recommend whatever it deems appropriate as to
26 all other aspects of sentencing.

27 **2. Acceptance of responsibility**

28 The government will recommend a two-level reduction (if the offense level is less than 16) or a

1 three-level reduction (if the offense level reaches 16) in the computation of defendant's offense level if
2 he clearly demonstrates acceptance of responsibility for his conduct as defined in U.S.S.G. § 3E1.1.
3 This includes the defendant meeting with and assisting the probation officer in the preparation of the
4 pre-sentence report, being truthful and candid with the probation officer, and not otherwise engaging in
5 conduct that constitutes obstruction of justice within the meaning of U.S.S.G § 3C1.1, either in the
6 preparation of the pre-sentence report or during the sentencing proceeding.

7 **C. Use of Information for Sentencing**

8 The government is free to provide full and accurate information to the Court and the United
9 States Probation Office ("Probation"), including answering any inquiries made by the Court and/or
10 Probation, and rebutting any inaccurate statements or arguments by the defendant, his attorney,
11 Probation, or the Court. The defendant also understands and agrees that nothing in this Plea Agreement
12 bars the government from defending on appeal or collateral review any sentence that the Court may
13 impose.

14 **IV. ELEMENTS OF THE OFFENSE**

15 At a trial, the government would have to prove beyond a reasonable doubt the following
16 elements of the offense to which the defendant is pleading guilty:

17 As to Count One, Possession with Intent to Distribute a Controlled Substance, in violation of 21
18 U.S.C. §§ 841(a)(1), 841(b)(1)(A):

- 19 (1) The defendant knowingly and intentionally possessed a controlled substance;
- 20 (2) The defendant knew that the substance contained methamphetamine or some other federally
21 controlled substance;
- 22 (3) The defendant possessed the methamphetamine with the intent to distribute it to another
23 person;
- 24 (4) In addition, the government would have to prove beyond a reasonable doubt that the
25 defendant possessed with intent to distribute 500 grams or more of a mixture and substance
26 containing methamphetamine for the enhanced penalties of 21 U.S.C. § 841(b)(1)(A) to
27 apply.

28 For purposes of this agreement, the term "involved in the defendant's offense" refers to the

1 amount of drugs that were: (1) involved in activities actually committed by the defendant; and (2)
2 involved in activities aided and abetted by the defendant.

3 The defendant fully understands the nature and elements of the crimes charged in the
4 Information to which he is pleading guilty, together with the possible defenses thereto, and has
5 discussed them with his attorney.

6 **V. MAXIMUM SENTENCE**

7 **A. Maximum penalty**

8 The maximum sentence that the Court can impose for Count One is a mandatory minimum 10
9 years' imprisonment and up to life, a \$10,000,000 fine, a five-year term of supervised release up to life,
10 and a special assessment of \$100. The charge to which defendant is pleading guilty carries a ten-year
11 mandatory minimum sentence, absent a motion by the government for reduction pursuant to 18 U.S.C. §
12 3553(e). In addition, the defendant may be ineligible for certain federal and/or state assistance and/or
13 benefits, pursuant to 21 U.S.C. § 862. By signing this plea agreement, the defendant also agrees that
14 the Court can order the payment of restitution for the full loss caused by the defendant's wrongful
15 conduct. The defendant agrees that the restitution order is not restricted to the amounts alleged in the
16 specific counts to which the defendant is pleading guilty. The defendant further agrees, as noted above,
17 that he will not attempt to discharge in any present or future bankruptcy proceeding any restitution
18 imposed by the Court.

19 **B. Violations of Supervised Release**

20 The defendant understands that if he violates a condition of supervised release at any time during
21 the term of supervised release, the Court may revoke the term of supervised release and require the
22 defendant to serve up to five years of additional imprisonment.

23 **VI. SENTENCING DETERMINATION**

24 **A. Statutory Authority**

25 The defendant understands that the Court must consult the Federal Sentencing Guidelines and
26 must take them into account when determining a final sentence. The defendant understands that the
27 Court will determine a non-binding and advisory guideline sentencing range for this case pursuant to the
28 Sentencing Guidelines and must take them into account when determining a final sentence. The

defendant further understands that the Court will consider whether there is a basis for departure from the guideline sentencing range (either above or below the guideline sentencing range) because there exists an aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the Guidelines. The defendant further understands that the Court, after consultation and consideration of the Sentencing Guidelines, must impose a sentence that is reasonable in light of the factors set forth in 18 U.S.C. § 3553(a).

VII. WAIVERS

A. Waiver of Constitutional Rights

The defendant understands that by pleading guilty he is waiving the following constitutional rights: (a) to plead not guilty and to persist in that plea if already made; (b) to be tried by a jury; (c) to be assisted at trial by an attorney, who would be appointed if necessary; (d) to pursue any affirmative defenses, Fourth Amendment or Fifth Amendment claims, constitutional challenges to the statutes of conviction, and other pretrial motions that have been filed or could be filed; (e) to subpoena witnesses to testify on his behalf; (f) to confront and cross-examine witnesses against him; and (g) not to be compelled to incriminate himself.

B. Waiver of Appeal and Collateral Attack

The defendant understands that the law gives the defendant a right to appeal his guilty plea, conviction, and sentence. The defendant agrees as part of his plea/pleas, however, to give up the right to appeal the guilty plea, conviction, and the sentence imposed in this case as long as the sentence does not exceed the statutory maximum sentence. The defendant understands that this waiver includes, but is not limited to, any and all constitutional and/or legal challenges to the defendant's conviction and guilty plea, including arguments that the statutes to which defendant is pleading guilty are unconstitutional, and any and all claims that the statement of facts attached to this agreement is insufficient to support the defendant's plea of guilty. The defendant specifically gives up the right to appeal any order of restitution the Court may impose.

Notwithstanding the defendant's waiver of appeal, the defendant will retain the right to appeal if one of the following circumstances occurs: (1) the sentence imposed by the District Court exceeds the statutory maximum; and/or (2) the government appeals the sentence in the case. The defendant

1 understands that these circumstances occur infrequently and that in almost all cases this Agreement
2 constitutes a complete waiver of all appellate rights.

3 In addition, regardless of the sentence the defendant receives, the defendant also gives up any
4 right to bring a collateral attack, including a motion under 28 U.S.C. § 2255 or § 2241, challenging any
5 aspect of the guilty plea, conviction, or sentence, except for non-waivable claims.

6 Notwithstanding the agreement in paragraph III.A (Dismissals) above that the government will
7 move to dismiss counts against the defendant, if the defendant ever attempts to vacate his plea, dismiss
8 the underlying charges, or modify or set aside his sentence on any of the counts to which he is pleading
9 guilty, the government shall have the rights set forth in paragraph II.E (Defendant's Violation of Plea
10 Agreement) herein.

11 **C. Impact of Plea on Defendant's Immigration Status**

12 Defendant recognizes that pleading guilty may have consequences with respect to his
13 immigration status if he is not a citizen of the United States. Under federal law, a broad range of crimes
14 are removable offenses, including offense(s) to which the defendant is pleading guilty. The defendant
15 and his counsel have discussed the fact that the charge to which the defendant is pleading guilty is an
16 aggravated felony, or a crime that is likely to be determined to be an aggravated felony under 8 USC §
17 1101(a)(43), and that while there may be arguments that defendant can raise in immigration proceedings
18 to avoid or delay removal, it is virtually certain that defendant will be removed. Indeed, because
19 defendant is pleading guilty to drug trafficking charges, removal is presumptively mandatory. Removal
20 and other immigration consequences are the subject of a separate proceeding, however, and defendant
21 understands that no one, including his attorney or the district court, can predict to a certainty the effect
22 of his conviction on his immigration status. Defendant nevertheless affirms that he wants to plead guilty
23 regardless of any immigration consequences that his plea may entail, even if the consequence is his
24 automatic removal from the United States.

25 **VIII. ENTIRE PLEA AGREEMENT**

26 Other than this plea agreement, no agreement, understanding, promise, or condition between the
27 government and the defendant exists, nor will such agreement, understanding, promise, or condition
28 exist unless it is committed to writing and signed by the defendant, counsel for the defendant, and

D. Attorney for the United States

I accept and agree to this plea agreement on behalf of the government.

Dated: 5/15/2024

PHILLIP A. TALBERT
United States Attorney

By:

Antonio J. Pataca
Assistant United States Attorney


counsel for the United States.

IX. APPROVALS AND SIGNATURES

A. Defense Counsel

I have read this plea agreement and have discussed it fully with my client. The plea agreement accurately and completely sets forth the entirety of the agreement. I concur in my client's decision to plead guilty as set forth in this plea agreement.

x Dated: 5/13/24


TIMOTHY P. HENNESSY
Counsel for Defendant

B. Defendant

I have read this plea agreement and carefully reviewed every part of it with my attorney. I understand it, and I voluntarily agree to it. Further, I have consulted with my attorney and fully understand my rights with respect to the provisions of the Sentencing Guidelines that may apply to my case. No other promises or inducements have been made to me, other than those contained in this plea agreement. In addition, no one has threatened or forced me in any way to enter into this plea agreement. Finally, I am satisfied with the representation of my attorney in this case.

x Dated: 5/13/2024


DARMANJOT SINGH, Defendant

C. Court Certified Interpreter/Translator

I declare that I am a court-certified ~~Spanish~~ ^{Punjabi} English interpreter/translator. On _____, I read the entire contents of the foregoing plea agreement to DARMANJOT SINGH, translating the document from English to ~~Spanish~~ ^{Punjabi}.

Dated: 5/13/2024


FBI Linguist, ID# D28B88882
Interpreter/Translator

EXHIBIT "A"
Factual Basis for Plea

If this matter proceeded to trial, the United States would establish the following facts beyond a reasonable doubt:

On August 5, 2023, defendant Darmanjot SINGH, in the County of Kern, State and Eastern District of California, did knowingly and intentionally possess with intent to distribute more than 500 grams of a mixture or substance containing a detectable amount of methamphetamine.


Specifically, on August 5, 2023, at approximately 11:00 AM, Bakersfield Police attempted to initiate a traffic stop on SINGH. Instead of stopping, SINGH led police on a 9-minute pursuit, reaching speeds in excess of 80 MPH in a 45 MPH zone and running multiple red lights. At one point, SINGH approached a dead end containing a breezeway with two metal 4-foot barrier poles. SINGH drove through the breezeway, striking the poles, and running through them. Officers then deployed stop sticks causing SINGH's front passenger tire to deflate. Undeterred, SINGH continued driving, crossing both north and southbound lanes of traffic and at one point driving into oncoming traffic. SINGH continued to a cul-de-sac where he collided with the curb line, propelling his car into a grass field, and causing his car to become disabled. SINGH was placed under arrest.

A search of his car revealed two packages located under the front right passenger seat each containing methamphetamine. The total weight of the methamphetamine was 5.03 pounds.

During a post-Miranda interview, the defendant admitted to knowingly possessing narcotics for the purpose of distributing the narcotics to another individual in Bakersfield.

The defendant knowingly and intentionally possessed the methamphetamine with the intent to distribute it to another person. The defendant knew that the methamphetamine was methamphetamine. The defendant's offense involved more than 500 grams of a mixture or substance containing a detectable amount of methamphetamine.

Dated: 5/13/ 2024


DARMANJOT SINGH, Defendant